

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OXFORD HEALTH INSURANCE, INC.,
OXFORD HEALTH PLANS (NY), INC.,
UNITED HEALTHCARE INSURANCE
COMPANY OF NEW YORK, INC., and
UNITED HEALTHCARE SERVICES, INC.,

Index No. 13 Civ 375
(AKH, J.) (ECF Case)

Plaintiffs,

-against-

DANIEL HAMNER, M.D., DANIEL HAMNER
PHYSICIAN, P.C., DANIEL HAMNER,
M.D., P.C., ALLAN CHRISTOPHER AS
EXECUTOR FOR THE ESTATE OF ANNE M.
CHRISTOPHER, RICHARD HAMNER,
ERIKA MACBRIDE, RAINA HAMNER
and RAE BAYMILLER,

Defendants.

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DEFENDANT ALLAN CHRISTOPHER'S OPPOSING BRIEF

Richard Pu, Esq.
120 E. 90th St., 10C
New York, NY 10128
(212) 427-3665 (o)

Overview

Defendant Allan Christopher ("AC") submits this brief in opposition to Plaintiffs' motion to recover the costs of serving AC. As shown below, Pu had good cause to refuse to waive service-- namely, he wasn't authorized to waive an important right.

POINT I

PLAINTIFFS' MOTION MUST BE DENIED

Plaintiffs move pursuant to Rule 4 of the Federal Rules of Civil Procedure ("FRCP") to recover the costs of serving AC.

1. Governing Law

Rule 4 provides that such costs are recoverable unless the defendant can show "good cause" for refusing to waive service.

2. Pu had Good Cause to Decline to Waive Service

Here, the parties' correspondence reflects that AC's lawyer Richard Pu ("Pu") was not authorized to waive service. Responding to Plaintiffs' request that Pu waives service, he responds that he is not authorized to do so:

"As for service of process, I've asked my client whether I should accept service." 8/23/13 Pu to Seybert, A. 1.

Thus, Pu had good cause to decline to waive service, and Plaintiff's motion must be denied.

Dated: New York, NY
October 25, 2013

A handwritten signature in dark ink, appearing to read "Richard Pu".

Richard Pu

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New York, NY 10128
(212) 427-3665 (o)